CLAIM LISTING

1-244 (canceled)

245. (Currently Amended) A nucleic acid construct which comprises a ~~nucleic acid~~ nucleotide sequence which encodes a polymerase and comprises a recognition site for said polymerase, said construct further comprising an intron sequence, non-native to said polymerase, wherein said intron sequence is within the sequence encoding said polymerase and wherein said polymerase ~~is~~ (a) is incapable of being expressed in a prokaryotic cell[[,]] due to a stop codon[[s]] and/or a frameshift mutation[[s]] introduced by the presence of said intron, and (b) is capable of producing more than one copy of a ~~nucleic acid sequence~~ transcriptional unit from said construct when introduced into a eukaryotic cell.

246. (Canceled)

247. (Previously Presented) The construct of claim 245, wherein said recognition site is complementary to a primer for said polymerase.

248. (Previously Presented) The construct of claim 247, wherein said primer comprises transfer RNA (tRNA).

249. (Currently Amended) The construct of claim 245, wherein said polymerase is selected from the group consisting of RNA polymerase, DNA polymerase, and reverse transcriptase~~, and a combination thereof~~.

250. (Currently Amended) The construct of claim 249, wherein said polymerase is an RNA polymerase, wherein said RNA polymerase is a bacteriophage RNA polymerase.

251. (Currently Amended) The construct of claim 250, wherein said bacteriophage RNA polymerase is selected from the group consisting of T3 polymerase, T7 polymerase, ~~and~~ SP6 polymerase, and a combination thereof.

252. (Currently Amended) The construct of claim ~~245~~ 250, wherein said recognition site is a promoter for said RNA polymerase.

253. (Currently Amended) The construct of claim 245, wherein said nucleic acid copy produced from said construct is selected from the group consisting of DNA, RNA, a DNA-RNA hybrid, ~~and~~ a DNA-RNA chimera, ~~or~~ and a combination of the foregoing.

254. (Currently Amended) The construct of claim 253, wherein said DNA or RNA nucleic acid copy comprises sense or antisense, or both.

255. (Currently Amended) A nucleic acid construct which comprises a nucleotide sequence that encodes a gene product, said construct further comprising an intron sequence non-native to said gene product, wherein (a) said intron sequence is within the sequence encoding said gene product; (b) said gene product is incapable of being expressed in a prokaryotic cell due to a stop codon[[s]] and/or a frameshift mutation[[s]] introduced by the presence of said intron; and (c) said gene product would be ~~toxic~~ lethal specifically to a prokaryotic cell in the absence of said non-native intron, which when in a eukaryotic cell, said intron is removed during processing and wherein said gene product is expressed in a eukaryotic cell after removal of said intron.

256-261 (Canceled)

262. (Currently Amended) A nucleic acid construct which comprises a ~~nucleic acid~~ nucleotide sequence encoding a gene product and further comprises an intron

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sequence non-native to said gene product, wherein said intron sequence is inserted within [[a]]said sequence encoding said gene product and immediately 3' to a (C/A)AG and said gene product is incapable of being expressed in a prokaryotic cell due to a stop codon[[s]] and/or a frameshift mutation[[s]] introduced by the presence of said intron, which when in a eukaryotic cell, said intron is removed during processing, ~~and~~ wherein said gene product is expressed in a eukaryotic cell without any change in amino acid sequence from the native gene after removal of said intron.

263-264 (Canceled)

265. (Previously Presented) The nucleic acid construct according to claim 255, wherein said gene product is selected from the group consisting of sense DNA, sense RNA, antisense RNA, antisense DNA and a combination of the foregoing.

266-267 (Canceled)

268. (Withdrawn) A method for selectively expressing a polymerase in a eukaryotic cell comprising

(a) providing the nucleic acid construct of claim 245 and

(b) introducing said construct into said eukaryotic cell.

269. (Withdrawn) A method for selectively expressing a gene product comprising

an intron non-native to said gene product in a eukaryotic cell comprising

(a) providing the nucleic acid construct of claim 262 and

(b) introducing said nucleic acid construct into a eukaryotic cell.

270. (Currently Amended) A nucleic acid construct which comprises a ~~nucleic acid~~ nucleotide sequence encoding a polymerase and further comprises an intron

sequence non-native to said polymerase, wherein said intron sequence is inserted within a sequence encoding said gene product and immediately 3' to a (C/A)AG and said polymerase is incapable of being expressed in a prokaryotic cell due to a stop codon[[s]] and/or a frameshift mutation[[s]] introduced by the presence of said intron, which when in a eukaryotic cell, said intron is removed during processing and wherein said polymerase is expressed in a eukaryotic cell without any change in amino acid sequence from the native gene after removal of said intron.

271. (Currently Amended) [[A]]The nucleic acid construct of claim 255, ~~which comprises a nucleic acid sequence encoding a gene product, which when in a eukaryotic cell, an intron is removed during processing and wherein said gene product is expressed in a eukaryotic cell after removal of said intron and further comprises an intron sequence non-native to said gene product and said gene product is toxic specifically to a prokaryotic cell in the absence of said non-native intron,~~ wherein said intron sequence is inserted within [[a]]the sequence encoding said gene product ~~and~~ immediately 3' to a (C/A)AG ~~and said gene product is incapable of being expressed in a prokaryotic cell due to stop codons and/or frameshift mutations introduced by the presence of said intron, which when in a eukaryotic cell, said intron is removed during processing and wherein said gene product is expressed in a eukaryotic cell after removal of said intron~~.